

FILED '11 MAR 10 12:25 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RAFAEL ORTIZ-GARCIA, et al,)	
)	
Plaintiffs,)	Civil No. 09-6267-HO
)	
v.)	ORDER
)	
PRAKOPIY CAM)	
)	
)	
Defendant.)	

Plaintiffs Rafael Ortiz-Garcia, Ramiro Martinez-Lopez, Ernesto Martinez-Ramirez, and Eutimio Ortiz-Garcia have moved for summary judgment and seek damages for a variety of alleged violations of the Migrant and Seasonal Agricultural Worker Protection Act (AWPA), the Fair Labor Standards Act (FLSA) and Oregon wage and hour laws. [#24]

On February 14, 2011, this court advised the parties of the

federal summary judgment standards and ordered *pro se* defendant Prakopiy Cam to respond in writing to plaintiff's motion by March 7, 2011. [#33]. Defendant has timely responded to the court's show cause order. [#34].

Defendant appears to dispute plaintiff's statement of facts in its entirety. *Id.* In support of his denial, defendant submits an affidavit¹ purportedly signed by Rafael Ortiz-Garcia (Ortiz-Garcia) in which Ortiz-Garcia acknowledges "final" payment of \$907.40 from defendant which he understands "will desolve [sic] all of the debt for work performed from March of 2007, extending through October of 2008." [#34-Aff.]. Defendant also submits a copy of a letter dated September 17, 2010, which he appears to assert was sent to plaintiff's counsel. [#34- Letter]. In the letter defendant contends that except for Rafael Ortiz-Garcia, he did not ever employ any of the other plaintiffs and thus did not pay or owe them any wages.

Because it is readily apparent that there are many material issues in dispute, granting summary judgment at this juncture would be inappropriate. These factual disputes will be more appropriately decided by the trier of fact.

For the reasons stated above, plaintiffs' Motion for Summary Judgment [#24] is denied.

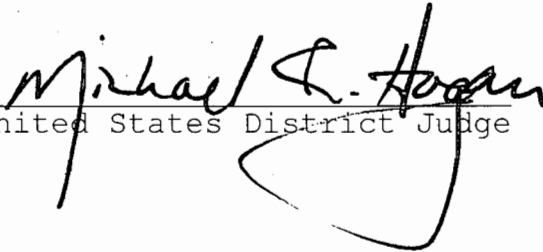
¹ The affidavit is not notarized.

Conclusion

Plaintiffs' Motion for Summary judgment [#24], is DENIED.

IT IS SO ORDERED.

DATED this 10th day of March, 2011.


United States District Judge